

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

WILBERT PATRICK STEWART,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. 2:13-CV-408
	§	
WILLIAM STEPHENS,	§	
	§	
Respondent.	§	

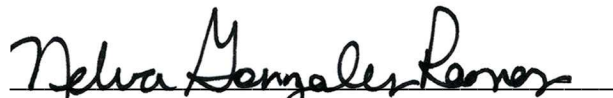
ORDER ON PENDING MOTIONS

Final judgment dismissing Petitioner's § 2254 petition with prejudice as unexhausted and on the merits was entered July 22, 2014 (D.E. 36, 37). A certificate of appealability was denied (D.E. 36). Petitioner filed a Notice of Appeal July 31, 2014 (D.E. 48), and has been granted leave to appeal *in forma pauperis* (D.E. 52).

Pending are Petitioner's motions to alter or amend the judgment and for an evidentiary hearing (D.E. 39, 40, 45). In these motions, Petitioner contends that his due process rights have been violated by the failure to hold an evidentiary hearing. There were no issues in this case warranting an evidentiary hearing. Rule 8(a), Rules Governing Section 2254 Cases. The law is clear in Texas and in this circuit that Petitioner is not entitled to street time credit for time spent on parole. *Rhodes v. Thaler*, 713 F.3d 264, 267 (5th Cir. 2013). The motions (D.E. 39, 40, 45) are denied.

Petitioner applications for a certificate of appealability (D.E. 42, 43, 46, 47) are denied.

ORDERED this 20th day of August, 2014.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE